

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINES AND RECLAMATION

****POLICY/PROCEDURE DIRECTIVE****

Inspection and Enforcement 96-1
(Replaces Inspection & Enforcement 93-4)
(Remove from Notebook)

SUBJECT: Removal of Siltation Structures and Termination of NPDES monitoring.

EFFECTIVE: January 25, 1996

PURPOSE: To provide a procedure for the request of and authorization for removal of siltation structures on "D" permits, and to terminate NPDES monitoring and sediment storage requirements.

Paragraph (G)(1)(a) of rule 1501:13-9-04 of the Ohio Administrative Code (OAC) defines "siltation structure" as "a sedimentation pond, a series of sedimentation ponds, or other treatment facility."

Paragraph (G)(2)(e) of Rule 1501:13-9-04 of the OAC provides that:

Siltation structures shall be maintained until removal is authorized by the Chief and the disturbed area has been stabilized and revegetated. In no case shall the structure be removed sooner than two years after the last augmented seeding, unless, after vegetation is established, the operator demonstrates and the chief approves under paragraph (E)(1)(g) of rule 1501:13-4-05 or paragraph (E)(1)(f) of rule 1501:13-4-14 of the Administrative Code alternative methods of sediment control as the best technology currently available.

To implement the requirements of this rule, the Division has developed the attached form, "Request to Remove Siltation Structure and Termination of Two Year Period". This form is to be submitted by the permittee to the appropriate district office for review and approval/disapproval. This request will be approved if:

1. There has been no augmented seeding of the disturbed area controlled by the siltation structure(s) for at least two years, or, if vegetation is requested to be considered the best technology currently available, there has been no augmented seeding of the disturbed area for at least one year;

2. The disturbed areas controlled by the siltation structure(s) is stabilized and vegetation is established. If vegetation is requested to be considered the best technology currently available, the vegetative ground cover will be evaluated using the statistically valid sampling technique specified in the guidelines compiled by the chief no sooner than twelve months after the last augmented seeding of the disturbed area. To be considered successful, the ground cover shall equal or exceed ninety per cent and no single area with less than thirty per cent cover shall exceed the lesser of three thousand square feet or 0.3 per cent of the land affected;
3. The quality of the untreated drainage from the disturbed area meets all NPDES effluent limitations; and
4. For each temporary pond, an acceptable plan for pond reclamation must be submitted as part of this request. Any channels or structures that convey water as part of an intermittent or perennial stream which are part of the pond reclamation plan must be designed and certified by an engineer. Plans which include leaving a portion or all of the dam intact, as well as the accumulated sediment, should provide that the channel and outflow, if proposed, are designed to pass the following storm events:
 - a. "Non" in-stream ponds - 10 years, 6 hour storm.
 - b. In-stream ponds (excluding ephemeral) - 100 year, 6 hour storm.
5. Stream reconstruction/reclamation plans will be required for intermittent and perennial streams above both temporary and permanent ponds that are affected by sedimentation if significant impact to the streams occur. Significant impact to a stream will be determined by the Division on a site-by-site basis. If a significant impact to a stream has occurred above a pond, stream reconstruction/reclamation plans will be required to be submitted at the time the operator submits the "Request to Remove Siltation Structure(s) and Termination of Two Year Period" form.

Upon receipt of the "Request to Remove Siltation Structure(s)" and "Termination of the Two Year Period" form for ponds for which removal is requested sooner than two years after the last augmented seeding because vegetation is the best technology currently available, the district office will schedule a statistical ground cover evaluation. Upon completion of the ground cover evaluation, the Inspector will attach to this form a copy of the completed and signed "Evaluation Form for Revegetation Ground Cover".

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Upon approval/disapproval the district office will distribute the forms.

Upon approval of the "Request to Remove Siltation Structure(s)" and "Termination of the Two Year Period" form, the referenced pond(s) are no longer considered to be a sediment pond and the required sediment storage capacity below the principal spillway no longer must be maintained.

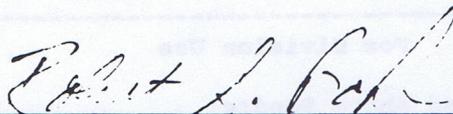
In addition, the termination of NPDES reporting requirements will be based on the approval of the "Request to Remove Siltation Structure(s)" and "Termination of the Two Year Period" form. It will be the responsibility of the permittee to notify the Ohio EPA of approval of the form by submitting a copy to them. After receipt of the form, the Ohio EPA will either revoke the unexpired NPDES permit, or, if the NPDES permit has expired, will process a No Permit Required (NPR) determination with a notification letter to the permittee.

A temporary pond may be reclaimed anytime after the "Request to Remove Siltation Structure(s)" has been approved. NOTE: Temporary ponds must be reclaimed at least 90 days prior to approval of the Phase III Release.

The Division will not require a copy of the NPDES monitoring report for those ponds which have an approved form beginning with the calendar month following approval of the form.

District offices may dispose of NPDES forms for those permits on which all siltation structures have been released from NPDES monitoring requirements.

If you have any questions regarding this directive, please contact the Evaluation Team Leader at the Division's Central (Columbus) Office.



Robert S. Baker

Evaluation Team Leader